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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,450	09/25/2001	Nicholas Alexander Rutter	31574-00006	2410

7590 06/16/2004  
Steven E Shapiro  
Mitchell Silberberg & Knupp  
11377 West Olympic Boulevard  
Los Angeles, CA 90064

EXAMINER

NGUYEN, PHUNG

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/937,450

Applicant(s)

RUTTER ET AL.

Examiner

Phung T Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7,9-11,14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 4,5,10,11 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein [U.S. Pat. 5,280,273]

**Regarding claim 1:** Goldstein discloses a toxic gas detection system having convenient battery and sensor replacement which comprises all the claimed subject matter as follows:

- a. a housing 12 (figure 1, col. 2, lines 64-67);
- b. a cartridge in the form of a base 10 detachably mountable within the housing assembly (figure 1, col. 2, lines 64-67). It is seen that the cartridge 10 may be operated independently of a housing assembly;
- c. wherein the cartridge contains a detection for detecting at least one of heat, radiation and pollutants (col. 2, lines 64-68, and col. 3, lines 1-2);
- d. wherein the detection includes detection circuitry 14, a power source 42, and an alarm such that the cartridge is operable independently of the housing assembly to detect the at least one of heat, radiation and pollutants (figure 1, col. 2, lines 2-49).

**Regarding claim 2:** Goldstein discloses an upper housing member and a base, the upper housing member and the base being adapted to be fitted together as seen in figure 1, col. 2, lines 3-15.

**Regarding claim 14:** Goldstein discloses the housing assembly comprises a ceiling mount as seen in figure 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Yamano [U.S. Pat. 5,729,207]

**Regarding claim 3:** Goldstein discloses the base 10 and cover 12 (col. 2, lines 64-67) but does not show the support means and carrier means slidably mounted on the support means for sliding movement into and out of the housing assembly. However, Yamano discloses a corrosive gas detecting sensor comprising the housing 11 to which the cartridge 10 is attached (col. 3, lines 15-27). It is seen that the housing 11 of Yamano including support means and carrier means being for seating the cartridge thereon for insertion into the housing assembly as seen in figure 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Yamano in the system of Goldstein because they both teach a detector system for toxic gases. Yamano's teaching of carrier means slidably mounted on the support for sliding movement into and out of the housing assembly would increase the flexibility of Goldstein's system by providing a facilitative maintenance.

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**Regarding claim 15:** Yamano discloses the cartridge is slidably mountable within the housing assembly (col. 3, lines 15-19).

**Regarding claim 16:** Refer to claim 15 above.

**Regarding claim 17:** Yamano discloses the carrier comprising at least one of a drawer and a tray as seen in figure 1.

**Regarding claim 18:** Yamano discloses including a first connector for connecting to an external electrical power supply (col. 4, lines 55-57).

***Allowable Subject Matter***

5. Claims 7 and 9 are allowed.
6. Claims 4, 5, 10, 11, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Cole [U.S. Pat. 4,608,556] discloses a smoke detection apparatus.

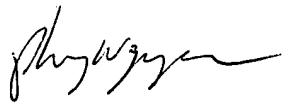
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Examiner: Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a stylized, flowing script.

Date: June 13, 2004